Rubenstein v. Frey Doc. 43 Att. 4

James Frey and His Publisher Settle Suit Over Lies

By MOTOKO RICH
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Correction Appended

Readers' Opinions

Forum: Book News and Reviews

James Frey, the author who admitted making up portions of his best-selling memoir, "A Million Little Pieces," and his publisher, Random House, have agreed in principle on a settlement with readers who filed lawsuits claiming they had been defrauded.

Neither Mr. Frey nor Random House are admitting any wrongdoing, but consumers who bought the book on or before Jan. 26 — when both the publisher and author released statements acknowledging that Mr. Frey had altered certain facts — will be eligible for a full refund, said a person familiar with the negotiations, who spoke on condition of anonymity because the settlement still has to be approved by a judge.

The agreement to settle the lawsuits was first reported on Tuesday by Radaronline.com.

Readers in several states, including New York, California and Illinois, filed lawsuits saying that Mr. Frey and the publisher had defrauded them by selling the book as a memoir rather than as a work of fiction.

In June the cases were consolidated to the United States District Court for the Southern District of New York. Under the terms of the agreement, which has been accepted by 10 of the 12 plaintiffs who are part of the consolidated case, both Mr. Frey and Random House will pay out no more than a total of $2.35 million, which includes the cost of refunding customers, lawyers' fees for both sides and a yet-to-be-specified donation to charity.

To claim a refund, readers who bought a copy of the book on or before Jan. 26 must submit proof of purchase. This will not be limited to a dated receipt however: hardcover buyers, who are entitled to a $23.95 refund, must submit page 163 (chosen at random, according to the source familiar with the negotiations); paperback buyers (entitled to $14.95) must send in the front cover of the book; those who bought the audio book ($34.95) will have to send in a piece of the packaging, and those who bought the e-book, at $9.95 apiece, must send in some proof of purchase.

People making a claim will also have to submit a sworn statement that they would not have bought the book if they knew that certain facts had been embroidered or changed.

Dockets.Justia.com

Mr. Frey declined to comment. But his lawyer, Derek Meyer, said, "We worked with Random House on whether to resolve these lawsuits and the desire to move on became a powerful incentive to resolve what are otherwise very weak cases."

Thomas Pakenas, a lawyer representing one of the plaintiffs, Pilar More, a reader from Chicago, said he and his client were satisfied with the agreement. "All she was ever seeking was a refund of the book and clarification about whether it was fiction or nonfiction."